

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

THEODORE B. CHAPDELAINE

v.

CA 12-370 ML

ASHBEL T. WALL, II

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Objection to the Report and Recommendation issued by Magistrate Judge Almond on November 2, 2012. This Court has reviewed the Report and Recommendation and Petitioner's Objection. Finding no merit in Petitioner's Objection, the Court adopts the Report and Recommendation. In this Court's judgment, the Magistrate Judge correctly recounted the travel of this case and properly applied the law. The petition for relief pursuant to 28 U.S.C. § 2254 was filed well out of time and none of the exceptions to 28 U.S.C. § 2244(d)(1) apply. Further, this Court declines to exercise its discretion to employ the doctrine of "equitable tolling." As Magistrate Judge Almond found, there are no extraordinary circumstances present here that prevented Petitioner from making a timely filing. Accordingly, the State's Motion to Dismiss is GRANTED.

SO ORDERED:

/s/ Mary M. Lisi
Mary M. Lisi
Chief United States District Judge
November 27, 2012